

Debbie P. Kirkpatrick, Esq. (SBN 207112)  
Albert R. Limberg, Esq. (SBN 211110)  
SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.P.  
3667 Voltaire Street  
San Diego, CA 92106-1253  
Tel: 619/758-1891  
Fax: 619/222-3667  
dkirkpatrick@sessions-law.biz  
alimberg@sessions-law.biz

Attorney for NCO Financial Systems, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CECYLIA MACIOL,	)	Case No.: 08-CV-05735-CRB
	)	
Plaintiff,	)	STIPULATION TO DISMISS FDCPA
vs.	)	CLAIM AND REMAND AND
	)	<del>[PROPOSED]</del> ORDER THEREON
CAPITAL ONE BANK; NCO	)	
FINANCIAL SYSTEMS, INC.;	)	
NORTHLAND GROUP, INC.,	)	
	)	
Defendants.	)	

Plaintiff, CECYLIA MACIOL, and defendants CAPITAL ONE BANK (USA) N.A. (erroneously sued herein as Capital One Bank) and NCO FINANCIAL SYSTEMS, INC., enter into a stipulation with respect to the following:

Plaintiff filed the present action on or about November 19, 2008, in the State of California, County of San Francisco, entitled, *Cecylia Maciol v. Capital One Bank; NCO Financial Systems, Inc.; Northland Group, Inc.* CGC-08-482063. On or about December 23, 2008, Defendants removed the case to this Court. On or about February 12, 2009,

Stipulation to Dismiss FDCPA Claim and Remand to State Court  
And [Proposed] Order Thereon

1 Plaintiff filed a motion to remand the case to state court which is set for hearing March  
2 20, 2009.

3  
4 IT IS HEREBY STIPULATED by and between the parties to this action through  
5 their designated counsel that Plaintiff's claims for relief under the Fair Debt Collection  
6 Practices Act, 15 U.S.C. § 1692, *et seq.*, are hereby dismissed with prejudice and that  
7 Plaintiff will not seek any separate damages arising under any provision of the Fair Debt  
8 Collection Practices Act.  
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1 IT IS FURTHER STIPULATED, by and between the parties to this action through  
2 their designated counsel, that this action shall be remanded to state court forthwith.  
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4 Dated: 2/27/09

THE BERG LAW GROUP

5 \_\_\_\_\_/s/Irving L. Berg

6 Irving L. Berg  
7 Attorney for Plaintiff

8 Dated: 2/27/09

REED SMITH LLP

9 \_\_\_\_\_/s/Jordan Yu

10 Jordan Yu  
11 Attorney for Defendant  
12 Capital One Bank (USA) N.A.

13 Dated: 2/27/09

SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.P.

14 \_\_\_\_\_/s/Debbie P. Kirkpatrick

15 Debbie P. Kirkpatrick,  
16 Attorney for Defendant,  
17 NCO Financial Systems, Inc.

18  
19 IT IS SO ORDERED.

20 Dated: March 3, 2009

21 \_\_\_\_\_  
22 Hon. Charles R. Breyer  
23 United States District Judge

